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THE VENDING OF FOODS AND BEVERAGES: A SANITATION ORDINANCE AND CODE - 1957 RECOMMENDATIONS OF THE PUBLIC HEALTH SERVICE

Public Health Service
Washington, D. C.

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the Vending of Foods and Beverages

A SANITATION ORDINANCE AND CODE

1957 Recommendations of the Public Health Service

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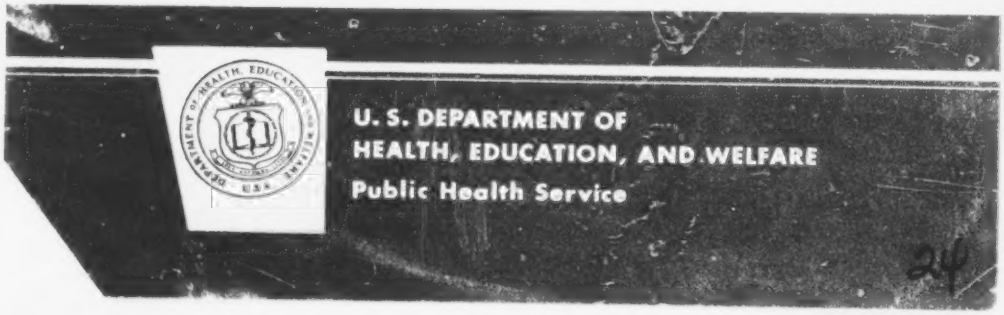

the Vending of Foods and Beverages

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A SANITATION ORDINANCE AND CODE

Recommendations Developed by the Public Health Service
in Cooperation with States and Communities,
Interested Federal Agencies and the
Vending Machine Industry - 1957

U. S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service
Bureau of State Services
Division of Sanitary Engineering Services **Milk and Food Program**

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Public Health Service Publication No. 546

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ERRATA

Page	Section	
1	I	Adoptions by Reference Form
16	IX	Enforcement Interpretation

The identity of the referenced document

SHOULD READ:

"The Vending of Foods and Beverages- A Sanitation Ordinance and Code - 1957 Recommendations of the Public Health Service".

9	V	Item 5 - last sentence

SHOULD READ:

Vending machines dispensing readily perishable food shall be provided with a thermometer which, to an accuracy of $\pm 2^{o}$ F., indicates the air temperature of the food storage compartment.

The Vending of Foods and Beverages
A Sanitation Ordinance and Code
Public Health Service
Publication No. 546

7/19/57

From time to time this document will be revised as may be dictated by research, field experience and technological developments. Accordingly, recommendations from jurisdictions adopting and enforcing this ordinance, and from industry operating under it, will be particularly valuable in the preparation of future editions.

The format of the Ordinance has been designed to permit flexibility in possible methods of enactment or adoption. It includes a short enabling form for use by those jurisdictions where adoption by reference is legal. Use of this form reduces cost of publication and printing, and facilitates keeping the Ordinance up-to-date. The unabridged form of the Ordinance is for use of those jurisdictions where the short enabling form would not be legal. The unabridged version has been arranged and presented in a form which can be adopted as an ordinance or other legal instrument. To adopt as an ordinance alone, the code (Satisfactory Compliance) material under Section V should be deleted. However, when adopting in the unabridged form, Section IX should be deleted.

Space does not permit the acknowledgment by name of all individuals who contributed to the preparation of this Ordinance. However, the Public Health Service is grateful for the assistance provided by officials and representatives of State and local agencies, the vending machine industry, educational institutions, professional organizations, the Food and Drug Administration, and the Department of Defense.

PREFACE

In recent years, the dispensing of foods and beverages through coin-operated vending machines has undergone phenomenal growth. As a result of technical developments during the past decade, the variety of products dispensed through such machines has expanded to include many items of a readily perishable nature. The sale of perishable foods and beverages to the public by this means has introduced new problems in food protection not normally encountered in conventional food service operations. Because of the public health significance of the problems involved and in the interest of uniformity, State and local health authorities and the industry requested the Public Health Service to undertake the development of a suggested ordinance and code for the guidance of those jurisdictions which were concerned with the sanitary control of vending machine operations.

As a result of these requests, field studies were made of current practices in vending machine design, construction and operation, and the problems encountered were discussed with Federal, State and local food sanitation authorities, industry and others concerned. A review was made of the existing ordinances and regulations specifically concerned with the sanitary control of vending machine operations. With this background, a working draft of the suggested ordinance and code was developed. The working draft was submitted for review and comment to all States, a representative number of local health departments, interested Federal agencies, the vending machine industry and others, in order that the recommendations reflect the views of those primarily concerned with the public health aspects of vending machine operations. All proposals for changes were carefully considered and many were incorporated into the document. This suggested ordinance and code, therefore, embodies the best information currently available on sanitary practices applicable to the design, construction, maintenance, and operation of vending machines.

It is assumed that this Ordinance will be adopted only by jurisdictions having established food sanitation programs. Accordingly, acceptability of foods, beverages, and ingredients; acceptability of commissaries from which foods, beverages, ingredients, supplies and equipment are obtained; and acceptability of methods of cleaning and bactericidal treatment of product contact surface are predicated on the criteria established under such existing food sanitation program. For fully attended vending machine locations the health authority may find it desirable to cover such operation under the existing food service establishment regulations. Should this be the case, such operations should fully conform to the requirements for food service establishments.

From time to time this document will be revised as may be dictated by research, field experience and technological developments. Accordingly, recommendations from jurisdictions adopting and enforcing this ordinance, and from industry operating under it, will be particularly valuable in the preparation of future editions.

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ADOPTION-BY-REFERENCE FORM
SANITATION ORDINANCE AND CODE COVERING THE
VENDING OF FOODS AND BEVERAGES

(This short form is suggested for adoption by States, municipalities, counties, or health districts, subject to the approval of the appropriate legal authority. The adoption of this short form will reduce the cost of publishing and printing, and is considered legal in many States. The Council of State Governments has prepared a model law, "Milk and Food Codes Adoption by Reference Act."[1] It is recommended for enactment by States to enable communities to adopt certain ordinances by reference.)

A sanitation ordinance regulating the sale of foods and beverages through vending machines; defining vending machine, operator, machine location, health authority, person, etc.; requiring permits for the installation and operation of vending machines; prohibiting the sale of, or possession with intent to sell through vending machines, adulterated or misbranded food or drink; regulating maintenance and operation of vending machines; authorizing official inspection of vending machines and operations connected therewith; and providing for the enforcement of this ordinance and the fixing of penalties. The Municipality of _____ _____[2] ordains:

SECTION I. The definitions; the requiring of permits for the installation and operation of vending machines; the prohibiting of the sale of adulterated or misbranded food or drink; the enforcement of this Ordinance, and the fixing of penalties shall be regulated in accordance with the terms of the unabridged form of the Ordinance and Code Covering the Vending of Foods and Beverages - 1957 Edition - Public Health Service, a certified copy of which shall be on file in the office of the municipal clerk; Provided, That the words "Municipality of _____" in said unabridged form shall be understood to refer to _____ _____ of _____; Provided further, That Sections X, XI, and XII of said unabridged Ordinance shall be replaced respectively by Sections II, III, and IV below.

1/ A copy of the model act is included in Suggested State Legislation Programs for 1950, developed by the Council of State Governments.

2/ Substitute proper legal jurisdiction here and in all similar places throughout the Ordinance.

SECTION II. Any person who shall violate any of the provisions of, or who fails to perform any duty imposed by, this Ordinance shall upon conviction be fined not more than _____ [3] at the discretion of the court. In addition thereto, such persons may be enjoined from continuing such violation. Each day upon which a violation occurs shall constitute a separate offense.

SECTION III. This Ordinance shall be in full force and effect 12 months after its adoption and publication as provided by law, and at that time all ordinances in conflict with this Ordinance are hereby repealed.

SECTION IV. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

3/ This section should be worded in accordance with community laws and the State Constitution. Where legally possible, it is suggested that a minimum fine, with an increased fine for subsequent offenses, be prescribed.

SANITATION ORDINANCE AND CODE COVERING THE
VENDING OF FOODS AND BEVERAGES

A sanitation ordinance regulating the sale of foods and beverages through vending machines; defining vending machine, operator, machine location, health authority, person, etc.; requiring permits for the installation and operation of vending machines; prohibiting the sale of, or possession with intent to sell through vending machines, adulterated or misbranded food or drink; regulating maintenance and operation of vending machines; authorizing official inspection of vending machines and operations connected therewith; and providing for the enforcement of this ordinance and the fixing of penalties.

Be it ordained by the _____ of the Municipality of _____ 4/ as follows:

SECTION I. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

A. Vending Machine: The term "vending machine" shall mean any self-service device offered for public use which, upon insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation.

B. Machine Location: The term "machine location" shall mean the room, enclosure, space, or area where one or more vending machines are installed and operated.

C. Commissary: The term "Commissary" shall mean commissary, catering establishment, restaurant, or any other place in which food, beverage, ingredients, containers or supplies are kept, handled, prepared, or stored, and directly from which vending machines are serviced.

D. Food: The term "food" shall mean any raw, cooked, or processed edible substance, beverage or ingredient used or intended for use in whole, or in part, for human consumption.

4/ Substitute proper legal jurisdiction here and in all similar places throughout the Ordinance.

E. Readily Perishable Foods: The term "readily perishable foods" shall mean any food or beverage or ingredients consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry, or other food capable of supporting rapid and progressive growth of microorganisms which can cause food infections or food intoxication. However, products in hermetically sealed containers processed by heat to prevent spoilage, and dehydrated, dry or powdered products so low in moisture content as to preclude development of microorganisms are excluded from the terms of this definition.

F. Hot Liquid Food or Beverage: The term "hot liquid food or beverage" shall mean liquid food or beverage, the temperature of which at the time of service to the consumer is at least 150°F.

G. Single Service Article: The term "single service article" shall mean any utensil, container, implement, or wrapper intended for use only once in the preparation, storage, display, service, or consumption of food or beverage.

H. Product Contact Surface: The term "product contact surface" shall mean any surface of the vending machine, appurtenances, or containers which comes into direct contact with any food, beverage, or ingredient.

I. Adulterated: A food is adulterated: (1) if it bears or contains any poisonous or deleterious substance which may be injurious to health; (2) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (4) if it has been prepared, packed, or stored under insanitary conditions whereby it may have become contaminated with filth, or rendered injurious to health; or (5) if the container is composed in whole or in part of a poisonous or deleterious substance which may render the contents injurious to health.

J. Misbranding: The term "misbranding" shall mean the use of any written, printed, or graphic matter upon or accompanying products or containers dispensed from vending machines, including signs or placards displayed in relation to such products so dispensed, which is false or misleading, or which violates any applicable local, State, or Federal labeling requirements.

K. Health Authority: The term "health authority" shall mean the health authority having jurisdiction in the Municipality of _____ _____, or an authorized representative thereof.

L. Operator: The term "operator shall mean any person, who by contract, agreement, or ownership takes responsibility for furnishing, installing, servicing, operating, or maintaining one or more vending machines.

M. Person: The term "person" means any individual, partnership, corporation, company, firm, institution, trustee, association, or any other public or private entity.

N. Employee: The term "employee" shall mean any operator or any person employed by him who handles any food, beverage, or ingredient to be dispensed through vending machines, or who comes into contact with food contact surfaces of containers, equipment, utensils, or packaging materials, used in connection with vending machine operations, or who otherwise services or maintains one or more such machines.

O. Approved: The term "approved" shall mean approved by the health authority having jurisdiction in the Municipality of _____ _____.

SECTION II

Operator's Permits - Issuance, Suspension, Revocation and Reinstatement.

A. Issuance of Permit

1. It shall be unlawful for any person to engage in the operation of one or more vending machines in the Municipality of _____ _____, or its police jurisdiction, who does not possess a currently valid operator's permit from the health authority. Only persons who comply with the provisions of this ordinance shall be entitled to receive and retain such a permit.

2. Any person desiring to operate one or more vending machines in the Municipality of _____, or its police jurisdiction, shall make application in writing to the health authority on forms provided by the health authority. Such applicant shall provide the following information.

a. The applicant's full name, residence, and post office address, and whether such applicant is an individual, firm, or corporation. If any partnership exists, the names of the partners, together with their addresses shall be included.

b. The location of the commissary or commissaries, and of other establishments where supplies are kept and where vending machines are repaired or renovated.

c. The identity and form of the products to be dispensed through vending machines and the number of each such type vending machine in his possession.

d. The signature of the applicant or applicants.

3. Upon receipt of such application, the health authority shall make an inspection of the commissary, servicing, and transport facilities, and representative machine and machine locations to determine compliance with the provisions of this ordinance. A numbered operator's permit shall be issued to the applicant by the health authority after compliance by the operator with the applicable provisions of this ordinance. Such permit shall not be transferable.

4. The operator's permit number, of a size and style approved by the health authority, shall be conspicuously displayed on each vending machine operated by him.

5. In order to hold and retain an operator's permit, the operator shall maintain within the jurisdiction of the health authority, a list of all vending machines operated by him and their location and of all commissaries or other establishments from which his machines are serviced. This information shall be available to the health authority upon request.

6. In order to hold and retain an operator's permit, the operator shall notify the health authority of any change in operations involving new types of vending machines, or conversion of existing machines to dispense products other than those for which the permit was issued.

B. Suspension or Revocation of Permit

1. After an opportunity for a hearing, and following the procedures provided in Section IV, an operator's permit may be temporarily suspended by the health authority upon violation by the permit holder of any of the provisions of this ordinance or may be revoked upon serious or repeated violation of such provisions.

2. Notwithstanding any other provisions of this ordinance, whenever the health authority finds grossly insanitary or other conditions involving the operation of any vending machine or commissary which, in his opinion, involves a substantial hazard to the public health, he may, without notice or hearing, issue a written order to the operator citing the existence of such condition and specifying corrective action to be taken and, if deemed necessary, requiring immediate discontinuance of operation. Such order shall be effective immediately and shall apply only to the vending machine, commissary or product involved. Any operator to whom such order is issued shall comply therewith, but upon petition to the health authority, shall be afforded a hearing as soon as possible. When necessary corrective action has been taken and on the request of the operator, the health authority shall make a reinspection to determine whether operations may be resumed.

3. After any hearing held under the provisions of this ordinance, the health authority shall sustain, modify, or rescind any notice or order considered in the hearing.

C. Reinstatement of Permit

Any operator whose permit has been suspended, may at any time make application for the reinstatement of the permi.. Within ten days after the receipt of a written application, accompanied by, or including, a statement signed by the operator to the effect that the violated term or terms of this ordinance have been complied with, the health authority shall make a reinspection. If the applicant is again complying with the terms of this ordinance, the permit shall be reinstated.

SECTION III

Sale, Examination, and Condemnation of Adulterated or Misbranded Food or Beverage

It shall be unlawful for any person within the Municipality of _____, or its police jurisdiction, to sell, offer, or expose for sale, through vending machines, or to have in possession with intent to sell therefrom anv food, beverage, or ingredient which is adulterated or misbranded

Samples of food, beverage, or ingredient may be taken and examined by the health authority as often as may be necessary to determine freedom from adulteration or misbranding. The health authority may, on written notice to the operator, impound and forbid the sale of any food or beverage which is adulterated or misbranded, or which he has probable cause to believe to be adulterated or misbranded. After the operator has been given an opportunity for a hearing, the health authority may cause to be removed or destroyed any food or beverage which is adulterated or misbranded; provided, t..at in the case of misbranding which can be corrected by proper labeling, such food or beverage may be released to the operator for correct labeling under the supervision of the health authority.

SECTION IV

Inspection of Vending Machines and Commissaries

The health authority shall inspect the servicing, maintenance and operation of vending machines dispensing readily perishable foods and commissaries at least once every six months. Vending machines dispensing other than readily perishable foods may be inspected by the health authority as often as deemed necessary.

The health authority, after proper identification shall be permitted to enter at any reasonable time, upon any private or public property within the Municipality of _____, or its police jurisdiction, where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with the provisions of this ordinance. The operator shall make provision for the health authority to have access, either in company with an employee or otherwise, to the interior of all vending machines operated by him.

Whenever the health authority discovers a violation of any provision of this ordinance, he shall notify the operator concerned. Such notice shall (1) describe the condition found and state which section of this ordinance is violated by such condition; (2) provide a specific and reasonable period of time for the correction of the condition; and (3) state that an opportunity for a hearing on inspection findings will be provided, if a written request for such hearing is filed with the health authority within ten days of receipt of the notice. The health authority may advise the operator in writing that unless the violations are corrected within the specified period of time, any permit issued under the provisions of this ordinance may be suspended or revoked, in accordance with provisions of Section II, or court action may be initiated.

SECTION V

Sanitation Requirements for Vending Machine Operations

A. Foods, Beverages, Ingredients, Consumer Containers, Equipment Maintenance, and Operations

Foods, beverages and ingredients intended for sale through vending machines shall be obtained from sources complying with the regulations of the Municipality of _____, and with other applicable State and Federal laws and regulations. Such products shall be clean and wholesome, free from spoilage, and shall be processed, prepared, handled and stored in such a manner as to be protected against contamination and adulteration. All product contact surfaces of containers and equipment shall be protected from contamination.

Satisfactory Compliance - This item shall be deemed to have been satisfied when the following requirements are met:

1. All foods, beverages, and ingredients offered for sale through vending machines, shall be manufactured, processed, and prepared in commissaries or establishments which comply with all applicable local, State, and Federal laws and regulations.

2. All foods, beverages, and ingredients offered for sale through vending machines shall be wholesome and free from spoilage, contamination and adulteration.

3. All foods, beverages, and ingredients shall be stored or packaged in clean protective containers, and shall be handled, transported and vended in a sanitary manner. Wet storage of packaged products is prohibited.

4. Readily perishable foods offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such products shall be dispensed into single service containers.

In those vending machines dispensing readily perishable foods, beverages, or ingredients in bulk, the bulk supplies of such foods, beverages, or ingredients shall be transferred only to a bulk vending machine container and appurtenances which are clean and have been subjected to an approved bactericidal process.

5. Readily perishable foods or ingredients within the vending machine shall be maintained at a temperature not higher than 50° F., or a temperature not lower than 150° F. Vending machines dispensing readily perishable foods shall be provided with controls which insure the maintenance of these temperatures at all times; Provided, that an exception may be made for the actual time required to fill or otherwise service the machine and for a maximum recovery period of 30 minutes following completion of filling or servicing operations. Such controls shall also place the machine in an inoperative condition until serviced by the operator, in the event of power failure or other condition, which permits the food storage compartment to attain a temperature above 50° F., or below 150° F. whichever is applicable. Vending machines dispensing readily perishable food shall be provided with a thermometer which, to an accuracy of ± 2° F., indicates the air temperature of the food storage compartment.

6. Milk and fluid milk products offered for sale through vending machines shall be dispensed only in individual, original containers or from bulk containers into which such product was placed at the milk plant; Provided, that in the case of vending machines that use fluid milk products as an ingredient in hot liquid foods or beverages, such milk product may be transferred at the machine location from the individual, original container of not more than one half gallon capacity to a vending machine bulk container which is clean and has been subjected to an approved bactericidal process in accordance with paragraph 8 of this item; Provided further, that in such transfer, the entire contents of the individual, original container are used.

7. All multi-use parts of any bulk milk vending machine which come into direct contact with the milk or milk product shall be affectively cleaned and bactericidally treated at the milk plant; Provided, that single service dispensing tubes which receive bactericidal treatment at the fabricating plant and which are individually packaged in such manner as to preclude contamination, may be exempted from this provision. The can or other bulk milk container shall be filled only at the milk plant and shall be sealed with two seals in such manner as to make it impossible to withdraw any part of its contents without breaking one seal, and impractical to introduce any substance without breaking the other seal. The delivery tube and any milk contact parts of the dispensing device shall be attached at the milk plant, and shall be protected by a moisture-proof covering, or housed in a compartment with a moisture-tight closure, which shall not be removed until after the container is placed in the refrigerated compartment of the vending machine.

8. With the exception of product contact surfaces of bulk milk vending machines for which separate provisions for cleaning and bactericidal treatment are specified in paragraph 7 of this item, all multi-use containers or parts of vending machines which come into direct contact with readily perishable foods, beverages, or ingredients shall be removed from the machine daily and shall be thoroughly cleaned and effectively subjected to an approved bactericidal process at the commissary or other approved facility; Provided, that the requirement for daily cleaning and bactericidal treatments may be waived for those contact surfaces which are maintained at all times at a temperature of not higher than 50° F. or at a temperature of not lower than 150° F., whichever is applicable. Such parts shall, after cleaning and bactericidal treatment, be protected from contamination.

9. All parts of vending machines which come into direct contact with other than readily perishable foods, shall be thoroughly cleaned and subjected to bactericidal treatment by methods approved by the health authority. The frequency of such cleaning and bactericidal treatment shall be established by the health authority based upon the type of product being dispensed. A record of such cleaning and bactericidal treatment operations shall be maintained by the operator in each machine and shall be current for at least the past 30 days.

10. All single service containers, which receive food or beverage from machines dispensing such products in bulk, shall be purchased in sanitary cartons or packages which protect the containers from contamination, shall be stored in a clean dry place until used, and shall be handled in a sanitary manner. Such containers shall be stored in the original carton or package in which they were placed at the point of manufacture until introduced into the container magazine or dispenser of the vending machine. Single service containers stored within the vending machine shall be protected from manual contact, dust, insects, rodents and other contamination.

B. Machine Location

The machine location shall be such as to minimize the potential for contamination of the product, shall be easily cleanable, and shall be kept clean.

Satisfactory Compliance - This item shall be deemed to have been satisfied when the following requirements are met:

1. Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage from drains and piping. Each vending machine shall be so located that the space around and under the machine can be readily cleaned, and so that insect and rodent harborage is not created.

2. The floor area upon which vending machines are located shall be reasonably smooth, of cleanable construction, and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.

C. Exterior Construction and Maintenance

The exterior construction of the vending machine shall be such as to facilitate cleaning and to minimize the entrance of insects and rodents, and the exterior of the machine shall be kept clean. Service connections shall be such as to protect against unintentional or accidental interruption of service to the machine.

Satisfactory Compliance - This item shall be deemed to have been satisfied when the following requirements are met:

1. The vending machine shall be of sturdy construction and the exterior shall be so designed, fabricated, and finished as to facilitate its being kept clean, and to minimize the entrance of insects and rodents.

2. Door and panel access openings to the product and container storage spaces of the machine shall be tight fitting, and if necessary gasketed, so as to preclude the entrance of dust, moisture, insects and rodents.

3. All necessary ventilation louvers or openings into vending machines shall be effectively screened against insects and rodents; Provided, that an exception to this provision may be made for vending machines currently in use until such time as such machines are relocated or removed from present machine location for any other purposes. Such screening material shall be not less than 16 mesh to the inch or equivalent.

4. In all new vending machines in which a condenser unit is an integral part of the machine, such unit shall be sealed from the product and container storage spaces.

5. Unless the vending machine is sealed to the floor so as to prevent seepage underneath, or can be manually moved with ease, one or more of the following provisions shall be utilized to facilitate cleaning operations: (a) the machine shall be mounted on legs six or more inches in height; or (b) the machine shall be mounted on casters or rollers, or (c) the machine shall be mounted on gliders which permit it to be easily moved.

6. All service connections through an exterior wall of the machine, including water, gas, electrical, and refrigeration connections, shall be grommeted or sealed to prevent the entrance of insects and rodents. All connections to such utilities shall be such as to discourage their unauthorized or unintentional disconnection.

D. Interior Construction and Maintenance

All interior surfaces and component parts of the vending machine shall be so designed and constructed as to permit easy cleaning, and shall

be kept clean. All product contact surfaces of the machine shall be of smooth, non-toxic, corrosion resistant, and relatively non-absorbent material, and shall be capable of withstanding repeated cleaning and bactericidal treatment by normal procedures. Such surfaces shall be protected against contamination.

Satisfactory Compliance - This item shall be deemed to have been satisfied when the following requirements are met:

1. The non-product contact surfaces of the interior of vending machines shall be so designed and constructed as to permit easy cleaning, and to facilitate maintenance operations.

Inaccessible surfaces or areas shall be minimized.

2. All product contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks and chipped places. The design of such surfaces shall be such as to preclude routine contact between food and V-type threaded surfaces. All joints and welds in product contact surfaces shall be smooth; and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning.

3. All product or ingredient contact surfaces of vending machines, including containers, pipes, valves and fittings, shall be constructed of non-toxic, corrosion resistant, and relatively non-absorbent materials, and shall be kept clean. All containers, valves, fittings, chutes, and faucets which are in contact with food shall be easily and readily removable, and so fabricated as to be easily disassembled and when disassembled, all surfaces shall be visible for inspection and cleaning. In machines of such design that product contact pipes or tubing are not readily removable, inplace cleaning of such pipes and pipe fittings may be permitted; Provided, (a) they are so arranged that cleaning and bactericidal solutions can be circulated throughout the fixed system, (b) such solutions will contact all interior surfaces, (c) the system is self-draining or otherwise completely evacuated, and (d) the cleaning procedures result in thorough cleaning of the equipment.

4. The openings into all non-pressurized containers used for the storage of vendable foods and ingredients, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. Such covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover surface. Any port opening through the cover shall be flanged upward at least 3/8" and shall be provided with a cover which overlaps the flange. Condensation or drip deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts and other functional parts extending into the container, unless a water-tight joint is provided. Such aprons shall be considered as satisfactory covers for those openings which are in continuous use. Gaskets, if used, shall be of a material which is non-toxic

relatively stable, and relatively non-absorbent, and shall have a smooth surface. All gasket retaining grooves shall be readily cleanable.

5. The delivery tube or chute and orifice of all bulk food and bulk beverage vending machines shall be protected from normal manual contact, dust, insects, rodents, and other contamination. The design shall be such as to divert condensation or other moisture from the normal filling position of the container receiving the food or beverage. The vending stage of such machines shall be provided with a tight fitting, self-closing door or cover which is kept closed, except when the machine is in the process of delivering food or beverage.

6. The product storage compartment within vending machines dispensing packaged liquid products, shall be so constructed as to be self-draining, or shall be provided with a drain outlet which permits complete draining of the compartment. All such drains shall be easily cleanable.

7. Opening devices which come into contact with the product or the product contact surface of the containers, shall be constructed of smooth, non-toxic, corrosion resistant, and relatively non-absorbent materials. Unless the opening device is of a single-service type, it shall be readily removable for cleaning, and shall be kept clean. Parts of multi-use opening devices which come into contact with the product or product contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents, and other contamination, and such parts shall be readily removable for cleaning and shall be kept clean.

E. Water Supply

Water used in vending machines shall be from an approved source, and shall be of a safe and sanitary quality.

Satisfactory Compliance - This item shall be deemed to have been satisfied when the following requirements are met:

1. All water used in vending machines shall be of a safe and sanitary quality, and from a source approved by the health authority. Water used as a product ingredient shall be piped into the vending machine under pressure, and all connections and fittings shall be installed in accordance with local or State plumbing regulations. Containers for the storage of water shall be designed and maintained as product contact surfaces.

2. If used, water filters or other water conditioning devices shall be of a type which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.

3. All vending machines which dispense carbonated beverages and which are connected to a water supply system, shall be equipped with two (or a double) check valves; or an air gap, or a device to vent carbon dioxide to the atmosphere; or other device approved by the health authority, which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.

4. Where check valves are used for the protection of the water supply system, a screen of not less than 100 mesh to the inch shall be installed in the water supply line immediately upstream from the check valves.

5. In all vending machines which dispense carbonated beverages and which are connected to a water supply system, the ingredient water contact surfaces from the check valves or other protective device downstream, including the device itself, shall be of such material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

F. Waste Disposal

All wastes shall be properly disposed of, and pending disposition shall be kept in suitable containers so as to prevent creating a nuisance.

Satisfactory Compliance - This item shall be deemed to have been satisfied when the following requirements are met:

1. All trash and other waste material shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in a manner approved by the health authority.

2. Self-closing, leak-proof, readily cleanable, plainly labeled and designated waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures and other single service items. Such waste containers shall not be located within the vending machine; Provided, that an exception may be made for those machines dispensing only packaged products with crown closures, in which case the closure receptacle may be located within the machine. Suitable racks or cases shall be provided for multi-use containers or bottles.

3. Containers shall be provided within all machines dispensing liquid products in bulk for the collection of drip, spillage, overflow, or other liquid wastes.

An automatic shut-off device shall be provided which will place the vending machine out of operation before such container overflows. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion resistant. If liquid wastes from drip, spillage or overflow, which originate within the machine are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

G. Delivery of Foods, Ingredients, Equipment and Supplies to Machine Location

Foods, beverages, and ingredients, and product contact surfaces of containers, equipment and supplies, shall be protected from contamination

while in transit to machine location. Readily perishable foods and beverages while in transit shall be maintained at a temperature not higher than 50° F., or not lower than 150° F.

Satisfactory Compliance - This item shall be deemed to have been satisfied when the following requirements are met:

1. Food, beverages, or ingredients while in transit to vending machine locations shall be protected from the elements, dirt, dust, insects, rodents, and other contamination. Similar protection shall be provided for single-service containers, and for the product contact surfaces of equipment, containers, and devices in transit to machine locations.

2. Readily perishable foods or beverages, while in transit to vending machine locations shall be maintained at a temperature of not more than 50° F., or at a temperature of not less than 150° F.

Personnel - Cleanliness

Employees shall keep their hands clean, and shall wear clean outer garments while engaged in handling foods or beverages, or product contact surfaces of utensils or equipment.

Satisfactory Compliance - This item shall be deemed to have been satisfied when the following requirements are met:

Employees shall wash their hands immediately prior to engaging in any vending machine servicing operation which may bring them into contact with foods, beverages, or ingredients, or with product contact surfaces of utensils, containers, or equipment. While engaged in such servicing operations, employees shall wear clean outer garments.

SECTION VI

Disease Control

No employee with any disease in a communicable form, or who is a carrier of such disease, shall work in any commissary or in vending machine operations in any capacity which brings him into contact with the production, handling, storage, or transportation of foods, beverages, ingredients or equipment used in vending machine operations; and no operator shall employ in any such capacity any such person, or any person suspected of having any disease in a communicable form, or of being a carrier of such disease. Any employee who has a discharging or infected wound, sore, or lesion on hands, arms or any exposed portion of the body shall be excluded from those operations which will bring him into contact with foods, beverages, utensils, or equipment used in vending machine operations. Any operator among whose employees there occurs a communicable disease or who suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, shall notify the health authority immediately.

SECTION VII

Procedure When Infection is Suspected

When suspicion arises as to the possibility of transmission of infection from any employee, the health authority is authorized to require any or all of the following measures:

1. The immediate exclusion of the employee from all commissaries and vending machine operations.

2. The immediate closing of the commissaries and operations concerned until, in the opinion of the health authority, no further danger of disease outbreak exists.

3. Adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

SECTION VIII

Commissaries Outside Jurisdiction of the Health Authority

Foods, beverages, and ingredients from commissaries outside the jurisdiction of the health authority of the Municipality of _____, may be sold within the Municipality of _____, or its police jurisdiction, if such commissaries conform to the provisions of the food establishment sanitation regulations of the Municipality of _____, or to substantially equivalent provisions.

To determine the extent of compliance with such provisions, the health authority may accept reports from the responsible authority in the jurisdiction where the commissary or commissaries are located.

SECTION IX

Enforcement Interpretation

This ordinance shall be enforced by the health authority in accordance with the interpretations thereof contained in the 195_ Edition of the Public Health Service Ordinance and Code Covering the Vending of Foods and Beverages, a certified copy [5] of which shall be on file in the office of the Clerk of the Municipality of _____.

SECTION X

Penalty

Any person who shall violate any provision of this ordinance shall upon conviction be fined not more than _____ [6] at the discretion of the court. In addition thereto, such person may be enjoined from continuing such violation. Each and every violation of the provision of this ordinance shall constitute a separate offense.

SECTION XI

Repeal and Date of Effect

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; and this ordinance shall be in full force and effect 12 months after its adoption and publication as provided by law.

SECTION XII

Unconstitutionality Clause

Should any Section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

5/ Certified copies of this ordinance and code may be obtained for official use upon request to the U. S. Public Health Service, Washington 25, D. C.

6/ This Section should be worded in accordance with community laws and the State Constitution. Where legally possible, it is suggested that a minimum fine, with an increased fine for subsequent offenses, be prescribed.

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